

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

2005 JUN 27 A 10:30

DEBRA S. HARRIS, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

GARY PADGETT # 235231
Full name and prison number
of plaintiff(s)

v.

GWENDOLYN MOSLEY

CO. BRYAN GAVINS

L.T. WILLIE BRYANT

CO. A. JERNIGAN

DONAL CAMPBELL
Name of person(s) who violated
your constitutional rights.
(List the names of all the
persons.)

CIVIL ACTION NO. 2:05cv608-A
(To be supplied by Clerk of
U.S. District Court)

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? YES () NO (X)
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES () NO (X)
- C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) NA

Defendant(s) NA

2. Court (if federal court, name the district; if state court, name the county) NA

3. Docket number N/A
4. Name of judge to whom case was assigned N/A
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) N/A
6. Approximate date of filing lawsuit N/A
7. Approximate date of disposition N/A

II. PLACE OF PRESENT CONFINEMENT EASTERLING COR. FAC

PLACE OR INSTITUTION WHERE INCIDENT OCCURRED

EASTERLING COR. FAC

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

NAME

ADDRESS

1. Gwendolyn Mosley 200 Wallace Dr. Cllo AL. 36017
2. Brian Gavins SAME AS ABOVE
3. Willie Bryant SAME AS ABOVE
4. A. Jernigan SAME AS ABOVE
5. Dondi Campbell P.O. Box 301501 Montgomery, AL. 36130
6. _____

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED from 7-04 to
Present date.

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE:

SEE ATTACHED

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

SEE ATTACHED

GROUND TWO:

SEE ATTACHED

SUPPORTING FACTS:

SEE ATTACHED

GROUND THREE:

SEE ATTACHED

SUPPORTING FACTS:

SEE ATTACHED

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

PLAINTIFF SEEKS THE SUM OF 100 THOUSAND
DOLLARS DIRECTLY FROM WARDEN MOSLEY IN
BOTH HER INDIVIDUAL AND OFFICIAL CAPACITY

x 
Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on

June 23 2005.
(Date)

x 
Signature of plaintiff(s)

ACTION NUMBER THREE- DENIAL OF SIXTH AMENDMENT RIGHTS UNDER
ACCESS TO COURT FOR ADA INMATES.

Defendant Mosley, Gavins, and Lt. Bryant, each named Defendant has directly refused to provide Plaintiff and other ADA Inmates with the necessary and constitutional right to have open access to use the Easterling law library. Defendants have full knowledge that Plaintiff is confined to a wheel chair, and that the law library will not and has no provisions for Inmates who are confined to wheel chairs the same priveleges that population inmates are afforded. In fact this Plaintiff was directly refused assistance from Inmate law Clerk, who is assigned to the Law Library, where he has openly stated he works for hire in cases of my nature, and that he is fully protected by the Security of Easterling. Plaintiff who had to seek assistance from a Inmate unassigned to the Law Library and is leaving Easterling by Federal transfer, leaves Plaintiff with few options for the access to which is needed. Defendants have full knowledge that there is no fire exit for inmates who are confined in wheel chairs who try to enter and use the law library, and there is no tables for handi-capped inmates who are under ADA Act, with disabilities. Defendants use their sworn duty to harass, threaten and deny Plaintiff and all other in my situation access to Court.

Defendants don't have a ramp for enterance and exiting for emergency needs, nor is there any provisions for movement within the law library for wheel chair inmates.

ACTION NUMBER TWO- ILLEGAL SEARCH; & 8th AMENDMENT VIOLATION
UNDER CRUEL AND UNAUTHORIZED PUNISHMENT WITHOUT CAUSE.

Plaintiff on and around July of 2004, was removed from the visiting room and taken to Easterling Segregation Unit and placed in handcuffs, shackles, and leg irons; where it was ordered that Plaintiff's wheel chair be taken, and placed Plaintiff on a bucket, and forced to make a bowel movement in a bucket. Plaintiff was placed in this position for over a period of Twenty-Five Hours, and never served any due process rights nor any written orders for any rule violation which He was supposed to have violated.

Plaintiff's rights were directly violated by Defendant Mosley for Her self-centered acts to label Plaintiff as a Sexual Predator, and to interfere with the Family visits to which Plaintiff has a legal right that was created by ADOC for Inmates in the State of Alabama. Defendant Mosley and Donal Campbell have conspired together to violate State Law for punishing Plaintiff in a manner that is not authorized, and is directly prohibited by State Law. Plaintiff says that Donal Campbell is directly responsible for the acts and actions of Defendant Mosley where he is Govern by Code of Alabama to perform his duty as the Prison Commissioner in a lawful manner and to stop any and all illegal acts that take place within ADOC at Easterling Correctional Facility. Further Donal Campbell knows that Warden Mosley has created illegal punishment by Segregation of Hot Dorm and this is not a form of punishment authorized under his promulgated regulation # 414. Therefore a full connection is shown that this Defendant is responsible for each act named herein, and conspired to complete.

ACTION NUMBER ONE

FOURTH- EIGHTH _ & FOURTEENTH AMENDMENT VIOLATIONS - ILLEGAL USE OF STATE LAW TO HARASS, THREATEN, INFLICT CRUEL AND UNUSAL PUNISHMENT, AND UNESSECARY INFLICTION OF PAIN.

Defendant Warden Mosley; has used Her State Law Officer job, and has directly under Her Individual Capacity, has threaten, harass, inflicted cruel and unusal acts to Plaintiff who is a inmate under ADA Act; Alabama Inmate who is disabled; and confined to a Wheel Chair. Defendant has falsely labled Plaintiff as a Sexual predator, and directly harassed Plaintiff's Family by falsely accusing Plaintiff and his Step-Daughter as having sexual affairs. Defendant has used Her Job and Individual status to make false reports to DHR, in Covington County, Alabama, where a full investigation was done based on false allegations of Warden Mosley as a Alabama Warden in the Department of Corrections. Defendant Donal Campbell has knowingly allowed Warden Mosley to violate State Laws without ordering the investigation of State and Federal Law violations that has been reported to His Staff, and to the ADOC Prison Commissioner.

Plaintiff states that from July of 2004 to present date each named Defendant has directly violated constitutional protected rights to which Plaintiff is entitled based on State Laws of this State for Inmates housed in ADOC.

Plaintiff who is govern under American Disability Act has a valid claim where Federal and State funds are provided for this Plaintiff, and Defendants are placing Federal violations which the Act prohibits as a matter of Federal Law.